

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

GRADUAL TAYLOR,

Plaintiff

v.

C-1-02-446

P.O. CHERYL HART,

Defendant

**ORDER**

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 74) to which neither party has objected.

Upon a ***de novo*** review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted. The Court also notes that the Report and Recommendation (doc. no. 74) issued February 26, 2008 was sent by certified mail to plaintiff at 8283 Carrol Avenue, Cincinnati, Ohio 45231 and was returned "Unclaimed" by the United States Postal Service on March 20, 2008 (doc. no. 75). The Court's Order (doc. no. 76) and Judgment (doc. no. 77) were entered March 31, 2008. On April 8, 2008, plaintiff filed a Motion against Summary Judgment (doc. no. 80) and the Court vacated its previous Order (doc. no. 76) and reinstated the case to the active docket. Plaintiff was granted until October 31, 2008 in which to file his response and/or objection to the Report and Recommendation (doc. no. 80). The Court's Order was mailed via Certified and Regular mail to the plaintiff at 6410

Red Bank Rd. Cincinnati, Ohio 45213. On October 15, 2008, the Court's Order was returned as "Undeliverable" and resent by the Clerk of Courts via Regular and Certified mail at 6410 Red Bank Road, Cincinnati, Ohio 45213 (doc. no. 81). An acknowledgment of Service was Executed by plaintiff on October 20, 2008 (doc. no. 83). As of the date of this Order, no response or objection to the Report and Recommendation has been filed by plaintiff.

Therefore, the Report and Recommendation of the United States Magistrate Judge (doc. no. 74) is hereby **ADOPTED AND INCORPORATED HEREIN BY REFERENCE**. Defendant's Motion for Partial Summary Judgment (doc. no. 59) is construed as a Motion for Summary Judgment and is **GRANTED**. As this Order decides plaintiff's last remaining claim, this case is **DISMISSED AND TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court